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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DILLIS V ALLEN, ESQ.
105 S ROSELLE ROAD
SUITE 101
SCHAUMBURG, IL 60193

EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,107

Applicant(s)

ALLEN, DILLIS V. 

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 20 is/are allowed.
- 6) ☒ Claim(s) 10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The new abstract is approved.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Nishizawa for previous Official Notice.

Shaw discloses a line of clubs comprising a plurality of heads (abstract, Col. 2, Lns. 39-59) being standardized within the line in the form of only selecting a different face piece component (Col. 2, Lns. 13-24), a perimeter wall in the form of a wall surrounding a cavity for a face insert (Fig. 29), a face wall receiving element in the form of a cavity for a face insert (Fig. 29), a plurality of interchangeable during manufacture different modulus of elasticity face walls (Col. 2, Lns. 13-24) fixed to the body face wall receiving element (Col. 4, Lns. 23-28), and face walls having progressively increasing

thickness in a line in the form different experience golfers require different thickness/weight distributions (Col. 3, Lns. 64 through Col. 4, Ln. 18). Clearly changing the thickness at a location on a face piece would also change the modulus of elasticity at that location.

Nishizawa discloses shafts connected to heads (Fig. 1). In view of the patent Nishizawa it would have been obvious to have shafts connected to the line of heads of Shaw in order to increase the head speed of a head when impacting a ball.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elmer in view of Shaw and Dill.

Elmer discloses a head body having a wall receiving element (Fig. 2), a plurality of interchangeable (Col. 6, Lns. 1-4) different characteristic face walls in the form of different material (Col. 5, Lns. 8-15) fixed to a wall receiving element in order to meet the requirements of different golfers by changing the striking characteristics (Col. 5, Lns. 56 through Col. 6, Lns. 12).

Elmer lacks the striking characteristics being modulus of elasticity, a line of clubs, a perimeter wall, a shaft, and face walls having progressively increasing thickness in a line. Shaw discloses a line of clubs (abstract), selecting face piece material based on flexural modulus (Col. 2, Lns. 13-24) and face walls having progressively increasing thickness in a line (Col. 3, Lns. 64 through Col. 4, Ln. 18) in order to suit the attributes of a specific golfer (Col. 1, Lns. 60-64). Clearly changing the thickness at a location on a face piece would also change the modulus of elasticity at that location. In view of the

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patent of Shaw it would have been obvious to modify the head of Elmer to have interchangeable face wall each having a different modulus of elasticity and face walls having progressively increasing thickness in a line in order to suit the attributes of a specific golfer. In view of the patent of Shaw it would have been obvious to include in the head of Elmer a line of clubs each with a different face wall in order to simplify the selection process by not have to replace the face wall each time a club is being tested out for the purpose of selecting a club to buy or use. Dill discloses a face wall attached to a body (Fig. 1) which is hollow (Col. 4, Lns. 45-65) and a shaft (70). In view of the patent of Dill it would have been obvious to modify the head of Elmer to be hollow in order to form a lightweight head. As such the head of Elmer would have a perimeter wall. In view of the patent of Dill it would have been obvious to include in the head of Elmer a shaft in order to increase the velocity of a head at impact.

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Shaw.

Lu discloses a perimeter wall, an abutment wall spaced from and immediately behind the face wall, a gap between an abutment wall and a face wall being between .01-.30 inches (Col. 6, Lns. 20-26), and an interchangeable during manufacture face wall with different characteristics in the form of a face wall being made of different materials (Col. 6, Lns. 4-16).

Lu lacks the different striking characteristics being modulus of elasticity, and a line of clubs. Shaw discloses selecting face piece material based on flexural modulus

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(Col. 2, Lns. 13-24), face walls having progressively increasing thickness in a line (Col. 3, Lns. 64 through Col. 4, Ln. 18) and a line of clubs (abstract, Col. 2, Lns. 39-59, Col. 3, Lns. 64 through Col. 4, Ln. 18) in order to suit the attributes of a specific golfer (Col. 1, Lns. 60-64). Clearly changing the thickness at a location on a face piece would also change the modulus of elasticity at that location. In view of the patent of Shaw it would have been obvious to modify the head of Lu to have interchangeable face walls each having a different modulus of elasticity and face walls having progressively increasing thickness in a line in order to change the center of gravity and/or modulus to suit the attributes of a specific golfer. In view of the patent of Shaw it would have been obvious to include in the head of Lu a line of clubs each with a different face wall in order to simplify the selection process by not have to replace the face wall each time a club is being tested out for the purpose of selecting a club to buy or use.

Response to Arguments

6. The argument that it is not well known in the art to have shafts connected to heads is disagreed with. The reference of Nishizawa was used to support the Official Notice the examiner previously used to show that it is known to attach shafts to heads. The argument that the comments from column 3 line 64 to column 4 line 18 do not suggest a thickness variation progressively greater in a line from one head to another is disagreed with. The disclosure clearly teaches having a thickness being different at the same location dependent on the experience of a golfer in order to move the center of

gravity of a head and being able to fine tune that which best fits a specific player. This teaching suggests having progressive thickness differences at a specific location in order to provide a head which fits a specific golfer.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of

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this application should be directed to the Group receptionist whose telephone number is
(703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 17 February 2005


STEPHEN BLAU
PRIMARY EXAMINER